



United States Government

**NATIONAL LABOR RELATIONS BOARD**  
**1099 14<sup>th</sup> STREET NW**  
**WASHINGTON DC 20570**

July 10, 2012

Food Services of America, Inc.,  
a subsidiary of Services Group of  
America, Inc.  
Case 28-CA-063052

**ORDER**

The Motion for Reconsideration of Denial of Motion to Accept Respondent's Exceptions to Decision of ALJ and Brief in Support of Exceptions is denied. The Respondent consented to the Board's e-filing terms. These terms, *inter alia*, warn potential e-filers not to wait until the last minute to file, and that problems with a user's hardware or software do not constitute a technical failure that will excuse an untimely filing.<sup>1</sup> Accordingly, the Respondent's asserted reasons for its late filing, *i.e.*, technological difficulties on the user's end, do not rise to the level of excusable neglect.

By direction of the Board:

Farah Z. Qureshi  
Associate Executive Secretary

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<sup>1</sup> The Board's e-filing terms state the following:

User Problems. Problems with a user's telephone lines, internet service provider, hardware, or software; user problems in understanding or following the E-Filing instructions; or rejection of a document because it contains a virus do not constitute a technical failure and will not excuse an untimely filing. A filer who cannot E-File a document because of any of these user problems must file conventionally and timely. The Agency's offices have no lobby facilities for filing after the close of business. *Thus, a user who waits until after close of business on the due date to attempt to E-File does so at his/her peril.* If you are unsure whether the problem is a technical failure or a user problem, assume it is a user problem. [Emphasis added].

cc: Parties